

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT**

**IN RE:**

KENNETH LEE CHRISTIAN,  
  
DEBTOR.

CHAPTER 13  
CASE NO. 19-51671-PJS  
JUDGE PHILLIP J. SHEFFERLY

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM  
FILED BY ALLY BANK (PACER CLAIM NO. 13-1)**

**NOW COMES** the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed by Ally Bank (PACER Claim No. 13-1), and in support thereof states as follows:

1. The Proof of Claim filed by Ally Bank (PACER Claim No. 13-1), asserts that the claim is secured, but does not attach proof that its security interest has been perfected in contravention of Federal Rule of Bankruptcy Procedure 3001(d).

2. Pursuant to 11 USC Section 502 and Federal Rule of Bankruptcy Procedure 3001(c), creditor is required to attach legible documentation to the Proof of Claim to establish creditor’s right to a security interest. Further, pursuant to Local Bankruptcy Rule 4001-6, a creditor is not entitled to receive adequate protection payments unless such creditor has filed a Proof of Claim with adequate proof of a security interest attached.

**WHEREFORE**, the Chapter 13 Standing Trustee requests that this Honorable Court allow the Proof of Claim filed by Ally Bank (PACER Claim No. 13-1), as an unsecured non-priority claim in its entirety, and grant any other and further relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to Ally Bank

OFFICE OF DAVID WM. RUSKIN,  
STANDING CHAPTER 13 TRUSTEE

Dated: June 23, 2020

By: /s/ Thomas D. DeCarlo  
DAVID Wm. RUSKIN (P26803)  
LISA K. MULLEN (P55478)  
THOMAS D. DECARLO (P65330)  
Attorneys for Chapter 13 Trustee  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
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CHAPTER 13  
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**(PROPOSED)**  
**ORDER SUSTAINING TRUSTEE'S OBJECTION TO THE PROOF OF  
CLAIM FILED BY ALLY BANK (PACER CLAIM NO. 13-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to Local Bankruptcy Rule 3007-1, the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises

IT IS HEREBY Ordered that the Trustee's Objection to Proof of Claim filed by Ally Bank (PACER Claim No. 13-1) is SUSTAINED. The Proof of Claim filed by Ally Bank (PACER Claim No. 13-1) is allowed as an unsecured non-priority claim in its entirety.

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

**IN RE:**

KENNETH LEE CHRISTIAN,

DEBTOR.

CHAPTER 13 Proceeding

CASE NO. 19-51671-PJS

JUDGE PHILLIP J. SHEFFERLY

AKA or DBA (if any):

Address(es):

7255 Cherokee St

Taylor, MI 48180-0000

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Social Security Number(s):

Employer's Tax Identification (EIN) No(s). (if any):

**NOTICE OF OBJECTION TO CLAIM FILED BY ALLY BANK (PACER CLAIM NO. 13-1)**

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or disallowed.** You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before August 13, 2020, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Frego & Associates - The Bankruptcy Law Office Plc, 23843 Joy Road, Dearborn Heights, MI 48127-0000  
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076  
ALLY BANK, PO BOX 130424, ROSEVILLE, MN 55113-0004

2. Attend the hearing on the objection, scheduled to be held on August 20, 2020, at 10:00 a.m., in Courtroom 1975, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only. neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

OFFICE OF DAVID WM. RUSKIN,  
STANDING CHAPTER 13 TRUSTEE

Dated: June 23, 2020

By: /s/ Thomas D. DeCarlo

DAVID Wm. RUSKIN (P26803)  
LISA K. MULLEN (P55478)  
THOMAS D. DECARLO (P65330)  
Attorneys for Chapter 13 Trustee,  
David Wm. Ruskin  
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26555 Evergreen Road  
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Telephone (248) 352-7755

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CHAPTER 13  
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF  
OF CLAIM FILED BY ALLY BANK (PACER CLAIM NO. 13-1)**

I hereby certify that on June 23, 2020, I electronically filed the Trustee's Objection to the Proof of Claim filed by Ally Bank (PACER Claim No. 13-1) With (Proposed) Order Sustaining Trustee's Objection to the Proof of Claim filed by Ally Bank (PACER Claim No. 13-1), Notice of Objection to Claim filed by Ally Bank (PACER Claim No. 13-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

FREGO & ASSOCIATES - THE BANKRUPTCY LAW OFFICE PLC  
23843 JOY ROAD  
DEARBORN HEIGHTS, MI 48127-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

KENNETH LEE CHRISTIAN  
7255 CHEROKEE ST  
TAYLOR, MI 48180-0000

ALLY BANK  
PO BOX 130424,  
ROSEVILLE, MN 55113-0004

The following parties were served via Certified Mail:

Ally Bank  
Attn: Jeffrey Brown, CEO  
200 West Civic Center Drive  
Sandy, UT 84070

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/s/ Vanessa Wild  
Vanessa Wild  
For the Office of David Wm. Ruskin  
Chapter 13 Standing Trustee-Detroit  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
(248) 352-7755